

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

(275)

CWP No. 10350 of 2016 (O&M)
Date of Decision:- 04.10.2016.

State of Punjab and Others

.....Petitioner(s)

Versus

Sh. Jarnail Singh and Another

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE P.B. BAJANTHRI

Present: Mr. M.S. Naryal, AAG, Punjab.

Mr. Gurdial Singh Jaswal, Advocate
for respondent No. 1.

P.B. BAJANTHRI, J. (Oral)

The petitioners have questioned the validity of award passed by the Labour Court on 21.07.2009 as well as order passed on 14.01.2016 by the Industrial Tribunal, Patiala.

The respondent-workman was appointed in the petitioner's department on 01.12.1985. His services were terminated on 21.10.1986. Thereafter, matter is pending consideration before the Labour Court. Earlier in the year 1996, labour Court, Patiala passed award on 01.10.2000, thereafter, it was a subject matter before this Court and Supreme Court. Once again subject matter was before the Industrial Tribunal, Patiala. On 21.07.2009, award was passed in favour of the

respondent-workman, which is an ex-parte award. The petitioners aggrieved by the award preferred an application before the Industrial Tribunal, Patiala. The same was dismissed on 14.01.2016. Thus, the petitioners are before this Court. The impugned award is an ex-parte award. Learned counsel for the respondent-workman vehemently submitted that despite service of notice to the petitioners, they failed to appear before the Labour Court. Grievance of the respondent is pending consideration before the various Court since 1996.

Whereas petitioners are not heard in the matter. Hence the matter is remanded to the Industrial Tribunal, Patiala to decide afresh and pass award within a period of six months from today. The Registry is directed to transmit the Lower Court Record papers to the Industrial Tribunal, Patiala at the earliest. In the meanwhile, the petitioners are liable to pay costs of ₹ 50,000/- to the respondent-workman as cost of the litigation expenses for the reasons there are lapses on the part of the petitioners in not assisting before the Industiral Tribunal.

Petition stands disposed of.

(P.B. BAJANTHRI)
JUDGE

October 4, 2016

sahil soni